

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
LUIS RIVERA,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-12717-RCL
)	
DAVID NOLAN,)	
)	
Respondent.)	
_____)	

**RESPONDENT'S MOTION FOR LEAVE TO DISPENSE WITH
THE CONFERENCE REQUIREMENT OF LOCAL RULE 7.1**

Respondent David Nolan hereby moves that he be permitted to file the accompanying Motion to Dismiss the Petition for Writ of Habeas Corpus (and accompanying memorandum of law) and any future motions without counsel first conferring with petitioner, as Local Rule 7.1(A)(2) requires. In support thereof, respondent states that petitioner is currently incarcerated at the Massachusetts Correctional Institute at Cedar Junction and is not represented by counsel, rendering pre-filing conference impracticable.

For this reason, respondent requests that he be granted leave to dispense with the pre-filing conference required by L.R. 7.1(A)(2), and that he be permitted to file the accompanying Motion to Dismiss the Petition for Writ of Habeas Corpus (and accompanying memorandum of law) and any future motions in this action without first conferring with petitioner.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Maura D. McLaughlin
Maura D. McLaughlin
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200 ext. 2857
BBO No. 634923

Dated: February 1, 2005

Certificate of Service

I hereby certify that on February 1, 2005, I caused a copy of the above document to be served via first class mail, postage prepaid, upon Mr. Luis Rivera, petitioner *pro se*, W-52832, MCI- Cedar Junction, Post Office Box 100, South Walpole, Massachusetts 02071.

/s/ Maura D. McLaughlin
Maura D. McLaughlin

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I hereby certify that I have, on February 1, 2005, moved this Court for an order dispensing with the requirement to confer under Local Rule 7.1 since the petitioner is currently incarcerated at the Massachusetts Correctional Institute at Cedar Junction and is not represented by counsel, rendering pre-filing conference impracticable.

/s/ Maura D. McLaughlin
Maura D. McLaughlin